

Minutes  
Catawba County Board of Commissioners  
Regular Session, Tuesday, January 20, 2004, 7:00 p.m.

**Appointments**

|   |     |          |
|---|-----|----------|
| Bi State Catawba River Task Force       | 434 | 01/20/04 |
| Future Forward Economic Alliance Board  | 434 | 01/20/04 |
| Carolina Land and Lakes Committee       | 435 | 01/20/04 |
| Board of Equalization and Review        | 435 | 01/20/04 |
| Town of Catawba Planning & Zoning Board | 435 | 01/20/04 |
| Lake Norman Marine Commission           | 435 | 01/20/04 |
| Catawba County Board of Adjustment      | 435 | 01/20/04 |

**Bid Awards**

|   |     |          |
|---|-----|----------|
| Bid Award for 35-Ton Articulating Dump Truck (Bid #04-1008) | 435 | 01/20/04 |
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**Blackburn Landfill**

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| Bid Award for 35-Ton Articulating Dump Truck (Bid #04-1008) | 435 | 01/20/04 |
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**Closed Session**

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| NCGS 143-318.11 (a) (6) To consider the qualifications of public officer or Employee | 439 | 01/20/04 |
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**Elections, Board of**

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| Sole Source Exemption – Purchase of Voting Equipment | 436 | 01/20/04 |
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**Future Forward**

|                                  |     |          |
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| Future Forward Economic Alliance | 439 | 01/20/04 |
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**Grounds, Use of County**

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|---|-----|----------|
| Courthouse and Grounds on March 27, 2004 for Catawba County Republican Party Convention | 436 | 01/20/04 |
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**Guest**

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| Ronald Fulbright, Fulbright Lumber Company                         | 434 | 01/20/04 |
| Commissioner Beatty's comment about Shane Burton, Carolina Panther | 440 | 01/20/04 |

**Litigation**

|                      |     |          |
|----------------------|-----|----------|
| Sandra and Lloyd Fox | 439 | 01/20/04 |
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**Meetings, Board of Commissioners**

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| Change in location of the February 2, 2004 Board meeting | 439 | 01/20/04 |
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**Mental Health**

|                               |     |          |
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| Mental Health Budget Revision | 435 | 01/20/04 |
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**Utilities and Engineering**

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|---|-----|----------|
| Bid Award for 35-Ton Articulating Dump Truck (Bid #04-1008)                                   | 435 | 01/20/04 |
| Budget Revision for Obligations in the Joint Economic Development Agreement with G & G Lumber | 437 | 01/20/04 |

The Catawba County Board of Commissioners met in regular session on Tuesday, January 20, 2004, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina. (Note: The change from the Board's normal meeting day of Monday was due to County Offices being closed on the third Monday in January for the Martin Luther King, Jr. Holiday.)

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, Assistant County Manager Joellen Daley, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Beatty led in the Pledge of Allegiance to the Flag.
3. Invocation offered by Chair Barnes.
4. Commissioner Barger made a motion to approve the minutes from the regular session and closed session of Monday, December 15, 2003. The motion carried unanimously.
5. Recognition of Special Guests.
6. Public Comment for items not on the agenda:

- a. Mr. Ronald Fulbright, owner and operator of Fulbright Lumber Company, Propst Crossroads, Newton, NC requested to speak. Mr. Fulbright said he has had an established business for the past 25 years. He asked how G&G Products would be able to hire 115 employees and get the wood products. He said he gets very little timber from Catawba County because it is all grown up in streets and buildings. He said 90 percent of his products come from outside Catawba County. Mr. Fulbright feels like it will hurt his business very badly.

Chair Barnes said the Economic Development Corporation (EDC) reviewed and worked through putting property back on the tax roles in addition to a \$20 million investment. All has been guaranteed through a contract. She asked County Attorney Robert Oren Eades to comment on the contract with G&G Lumber.

Mr. Eades briefly reviewed the contract and said there are no contractual provisions that addresses where G&G will obtain the timber to saw into lumber. If G&G does not perform per the contract they will have to repay the County.

Mr. Fulbright said he plans to extend his business by hiring 12 - 15 additional employees, he asked could he get any help for his business from the County.

Chair Barnes said that would be negotiated through the Economic Development Corporation and there are certain thresholds and she recommended that Mr. Fulbright contact the EDC.

7. Appointments:

**Bi State Catawba River Task Force**

Chair Barnes recommended the reappointment of Rick Beasley for a fourth, three-year term, which will expire December 31, 2006.

**Future Forward Economic Alliance Board**

Chair Barnes recommended the appointment of Larry Bowman for a first, two-year term, which will expire December 31, 2005. The Board recommended the appointment of Commissioner Lynn Lail as a Commissioner Appointee.

**Carolina Land and Lakes Committee**

Chair Barnes recommended that she serve on this committee. Commissioner Hunsucker formerly served on this committee.

**Board of Equalization and Review**

Commissioner Lail recommended the appointment of Joe Rowe, 340 - 10th Avenue Drive, NE, Hickory, Republican Representative, replacing Joseph Jones and the appointment of Clement Geitner, 420 - 4th Avenue, NW, Hickory, Democrat Representative, replacing "Al" King. The three-year terms expire December 4, 2006.

**Town of Catawba Planning & Zoning Board**

Commissioner Beatty recommended the reappointment of Charles Robinson for a first term and Roger D. Shook for a second term. The 3-year terms expire December 1, 2006.

**Lake Norman Marine Commission**

Commissioner Beatty recommended the reappointment of Earl Kiser for four additional years to replace Len McBride (who was not eligible for reappointment) . The term expires September 30, 2007.

**Catawba County Board of Adjustment**

Commissioner Beatty recommended the reappointment of Richard E. Thompson, Jr. for a fourth, 3-year term which expires November 30, 2006.

Commissioner Barnes made a motion to approve the aforementioned appointments. The motion carried unanimously.

8. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

a. Mental Health Budget Revision.

Based on current contract authorizations, additional funds are being appropriated for Medicaid Contract services projected through June 30, 2004. Counseling Services and Substance Abuse (CSAS) Program Management contracts are increased by \$400,000. This will purchase, through contracts, residential, community based services (CBS), and day treatment services for children and adults. Funds in the amount of \$5,000 are appropriated for psychiatric contract services provided by the Assertive Community Treatment Team (ACTT). The Mental Health Fund Balance is being increased by \$8,000. These additional dollars will fund expenditures related to necessary repairs and painting of office space at the main Mental Health Center. With this revision an Executive Director position is being established for the Catawba Valley Behavioral Healthcare (CVBH) organization. This position will be responsible for the start-up, staffing, and implementation of the restructured non-profit organization. This organization will provide services for high-risk Mental Health, Development Disabilities and Substance Abuse Services (MH/DD/SA) adults. Lapsed salaries from position vacancies will fund this position through June 30, 2004. There is no additional County funding included in this revision. The Finance and Personnel Subcommittee recommended that the Board of Commissioners approve a revision to increase the current Mental Health budget by \$413,000 bringing it to \$16,915,037 and approve creating an Executive Director position for the Catawba Valley Behavioral Healthcare (CVBH) organization.

**SUPPLEMENTAL APPROPRIATIONS**

| Account Number                                |           | Account Number                         |           |
|---|-----------|--|-----------|
| Expenditures:                                 |           | Revenues:                              |           |
| 110-532001-915570 Medicaid Services           | \$400,000 | 110-532001-672151 Contract Medicaid    | \$400,000 |
| 110-531023-856303 Medical Servs. Psychiatrist | 5,000     | 110-531023-672151 Contract Medicaid    | 5,000     |
| 110-530901-842510 Repairs/Maint -Bldg & Grds  | 8,000     | 110-530901-690101 Fund Balance Applied | 8,000     |

b. Bid Award for 35-Ton Articulating Dump Truck (Bid #04-1008).

A 35-ton Articulating Dump Truck is needed at the landfill to replace the 1993 Caterpillar 615C Elevating Scraper with 7,940 hours. The new dump truck will be used to haul dirt from borrow areas for daily cover and other earth moving projects. Equipment at the landfill has slowly been converting from scrapers to trucks due to the increase distances of our borrow areas and elevating scrapers are being phased out in the construction industry. At this time only one manufacturer is producing the scraper. The new dump truck will allow landfill staff to haul dirt they need more efficiently than scrapers. Another benefit of dump trucks is the ability to access borrow areas that are difficult for conventional trucks or scrapers. On November 13, 2003, County Staff conducted a pre-specification meeting for this project. The purpose of the meeting was to meet with potential bidders and review the specifications. Four vendors were invited and three attended: Carolina Tractor, L.B. Smith and James River Equipment. All vendors in attendance agreed they could bid based on the specifications without taking any exceptions. The specifications required a cost to be submitted for 1) Full Coverage Warranty for one full year; and 2) Power Train Warranty, 5-Year or 5,000 hour. As an alternate, the bidders were asked to submit trade-in values for a 1993 Caterpillar 615C Elevating Scraper and a 1991 John Deere 570-B Motorgrader. On December 19, 2003, electronic formal bids were received as follows:

| Bidders              | Mitchell Distributing Co. | James River Equipment | L.B. Smith          | Carolina Tractor    |
|----------------------|---------------------------|-----------------------|---------------------|---------------------|
| Model Bid            | Komatsu HM350-1           | John Deere 350D       | A35D Artic          | CAT 735             |
| Unit Price           | <b>\$311,321.00</b>       | <b>\$305,000.00</b>   | <b>\$330,039.00</b> | <b>\$365,022.00</b> |
| Full Warranty        | \$ 4,501.00               | Included              | Included            | \$ 1,500.00         |
| Power Train Warranty | \$ 7,726.00               | \$ 15,000.00          | \$ 6,500.00         | \$ 13,933.00        |
| Trade-in John Deere  |                           | \$ 25,000.00          | \$ 23,500.00        | \$ 29,500.00        |
| Trade-in CAT 615C    |                           | \$ 45,000.00          | \$ 47,500.00        | \$ 45,000.00        |

Mitchell Distributing Company failed to include the trade-in values using the electronic bidding system; therefore, trade-in values from Mitchell Distributing cannot be considered. It should be noted that Mitchell Distributing is the only vendor that did not make a site visit to look at the equipment to be traded-in. James River Equipment is the lowest unit price bid, the lowest bid with the warranties included and the lowest bid after deducting the trade-in values. The Finance and Personnel Subcommittee recommended that the Board of Commissioners award a bid to James River Equipment Company for a John Deere 350D, 35-Ton Articulating Dump Truck in the amount of \$305,000 and to authorize the trade-in of a Caterpillar 615C Elevating Scraper (-\$45,000) and a John Deere 570B Motorgrader (-25,000) towards the purchase. The net bid award is \$235,000 plus \$15,000 for the Power Train Warranty. The Landfill budgeted \$335,000 for the Dump Truck and \$16,000 for a power train warranty.

- c. Request for use of 1924 Courthouse and Grounds on March 27, 2004.

A public use application and authorization was received from Ms. Cynthia L. Eades requesting that the Catawba County Republican Party be authorized to use the 1924 Courthouse and Courthouse Grounds on March 27, 2004, from 9:00 a.m. until 2:00 p.m. for the Catawba County Republican Party Convention.

Commissioner Lail made a motion to approve the consent agenda. The motion carried unanimously.

### End Consent

#### 9. Departmental Reports:

##### a. Board of Elections:

1. Sole Source Exemption – Purchase of Voting Equipment.

Board of Elections Director Larry Brewer gave a brief run-down on the voting equipment. He said staff had experienced equipment problems the last several elections. The old equipment will be sold to a neighboring county. He said there were two Hart Representatives in the audience. He said voter education was part of the contract and they will probably add one additional person to work the control booth during the next election. Mr. Brewer said the Board of Elections doesn't yet know the date of the upcoming primary as it is tied up in court.

Purchasing Agent Debbie Anderson said Catawba County currently uses an Optical Scan system to "read" election ballots (OPTECH III-P Eagle). The system was purchased in March 1994. The equipment is no longer manufactured and parts are difficult to find. During the November 2003 election, the County did experience equipment failure and had to use backup equipment. The current equipment is difficult for the poll workers to handle. A new federal law requires one Direct Record Equipment (DRE) at each precinct, which would require staff to operate two voting systems. New technology will make elections easier to administer and more accurate. The equipment must be 100 percent ADA compliant. The State recommends the purchase of DRE. The current trend in the State is toward DRE (half of the State uses). County staff and the Board of Elections reviewed systems currently available. After evaluating current trends and the State recommendations, six systems were available. The Board of Elections tested four DRE systems. They were Hart InterCivic, MicroVote, Diebold and Winvote. These vendors were invited to demonstrate their equipment. The Board of Elections invited interested parties to attend the demonstrations. After the demonstrations were completed, the Board of Elections evaluated the systems and responses from participants and narrowed the field to two:

Hart InterCivic with two votes from the Board of Elections  
MicroVote with one vote from the Board of Elections

The Board of Elections tested Hart InterCivic and MicroVote equipment during the Municipal & School Board elections of 2003. Hart InterCivic equipment tested successfully. Hart InterCivic equipment received favorable reviews from surveys completed by Catawba County voters. Staff recommends the purchase of Hart InterCivic DRE equipment based on General Statute 143-129. General Statute 143-129 allows an exception from formal bidding for purchase contracts when performance or price competition for a product are not available; when a needed product is available from only one source of supply; or when standardization or compatibility is the overriding consideration. This exception requires governing board approval and a record must be maintained of purchases made under this exception. The Board of Elections and the Technology Department defined specifications to lower the County maintenance and provide the user-friendliest presentation to Catawba County voters. The desired equipment must not use a commercially available operating system (provide security) and must not use touch screen technology (calibration costs). Hart InterCivic equipment is the only equipment available that does not use a commercially available operating system and does not use touch screen technology. The Board of Commissioners at its Fall Planning Retreat of November 17, 2003, directed staff to move forward with the Hart System, Direct Record Electronic Equipment. The Finance and Personnel Subcommittee recommended that the Board of Commissioners authorize the sole source exemption for the purchase of voting equipment from Hart InterCivic, Inc. in the amount of \$1,075,718. The current budget for this project is \$1,100,000. This equipment will be used in the 2004 Primary.

Commissioner Beatty made a motion to approve the sole source exemption for the purchase of voting equipment from Hart InterCivic, Inc. in the amount of \$1,075,718. The motion carried unanimously.

b. Utilities and Engineering Department:

1. Budget Revision for Obligations in the Joint Economic Development Agreement with G & G Lumber.

Utilities and Engineering Director Barry B. Edwards said the Board held a public hearing on December 1, 2003, and approved a Joint Economic Development Agreement with G&G Lumber (Gregory Wood Products), Union Grove, North Carolina. Gregory Wood Products will locate a \$20 million dimensional lumber facility

on land adjacent to the County's Blackburn Landfill on Rocky Ford Road. The facility will bring approximately 115 jobs to the county over a 24-month period. According to the contract between Catawba County and Gregory Wood Products the County has obligations, such as preliminary site investigations and conceptual design of clay and soil removal, erosion control, surveying and construction administration; design of gravity sewer extension, bidding, award, and construction management; geo-technical evaluation, design, permitting, bidding, award and construction administration for industrial site access road and water line; investigation of engine heat transfer; and assistance with economic development administration for funding from governmental grants. These obligations total \$244,000. An Economic Development Administration (EDA) grant has been submitted to reimburse the County for these costs. The property was acquired by the County in 1988 to be used as a borrow source, with a 20-acre portion to be used as the construction and demolition landfill, which is now closed. This property was identified in the County's Master Plan prior to 1988 as a borrow source. Expenses would have been incurred by the County to remove clay and soils from the property, which will now be paid by G&G Lumber, according to the agreement. The gravity sewer extension to the Blackburn Landfill was identified in the Solid Waste Financial Plan as a necessary project in order to provide a more efficient means of proper disposal of the landfill leachate. Currently, the landfill leachate is being hauled by tanker to the Henry Fork Waste Water Treatment Plant for proper disposal. During extended periods of rain, in excess of 6 tanker loads (6400 gallon capacity) are required each day to transport the landfill leachate. As the landfill increases in size the amount of leachate will increase proportionately, making the transport of leachate by tanker even more inefficient. The Solid Waste Management Administration has been investigating ways of capturing the tremendous heat generated by the engines, some 700 degrees Fahrenheit and using it for some type of reuse project. The agreement with G&G Lumber will allow the continued investigation of engine heat transfer. The County has applied for a 50 percent matching grant from the Economic Development Assistance (EDA) a division of the Department of Commerce. Staff has met with a representative of EDA on site. Their comments about the project were positive. EDA accepts and grants projects throughout the year, averaging \$1.2 million, but usually requiring a 50% match. Any monies obtained through grants will assist in offsetting this budget revision. In accordance with the agreement, G&G Lumber is obligated to remove useful clay and other useful materials from the property, at its own expense, and transport to a location determined by the County on the Blackburn Landfill property. They are obligated to invest at least \$20,000,000 in building construction, machinery and equipment and create at least 115 new, permanent full-time jobs. This will also place the property back onto County tax rolls. If G&G Lumber fails to comply with the agreement dated December 1, 2003, the County may terminate the Agreement and demand reimbursement of the incentive award as authorized by NCGS 158-71 and described in paragraph 3, of the agreement between the parties. The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve a budget revision in the amount of \$244,000 for work at the Blackburn Landfill. This work has been planned for some time, but is being accelerated due to the Joint Economic Development Agreement.

#### SUPPLEMENTAL APPROPRIATION

|                             |           |                      |           |
|-----------------------------|-----------|----------------------|-----------|
| 525-350150-986000           | \$218,500 | 525-350050-690100    | \$244,000 |
| Architect and Engineering   |           | Fund Balance Applied |           |
| 525-350150-856900           | \$ 25,500 |                      |           |
| Other Professional Services |           |                      |           |

After a brief discussion, Commissioner Hunsucker made a motion to approve a budget revision in the amount of \$244,000 for work at the Blackburn Landfill. The motion carried unanimously.

#### 10. Attorneys' Report:

- a. County Attorney Robert Oren Eades reported that the Rehabilitation Code was working well for the County.

- b. Staff Attorney Debra Bechtel said that a four-year solid waste lawsuit was recently dismissed. She said that a 5-acre tract of land near Bakers Mountain Park had been used for illegal dumping including an abandoned mobile home. Initially the County brought the lawsuit against Sandra and Lloyd Fox, owners of the property. The bank was foreclosing on the Foxes so the County added the mortgage company as a defendant. The mortgage company was bought-out by Citicorp. The state conducted studies of the property. The company spent well over \$250,000 to clean up the property, not including attorney fees, to make the property beautiful again.

11. Manager's Report:

- a. Future Forward Economic Alliance.

County Manager J. Thomas Lundy said the Board at its August 18, 2003, meeting adopted a resolution supporting a study of the Economic Development Strategy and Action Plan prepared for Future Forward Leadership Committee, Comprehensive Economic Development Strategy, and the 10th and 11th Congressional Districts of North Carolina which includes 12 counties - Alexander, Avery, Burke, Caldwell, Catawba, Iredell, Lincoln, McDowell, Mitchell, Rutherford, Watauga, and Wilkes. The Board at its December 15, 2003, meeting conducted a second public hearing and accepted a grant in the amount of \$180,000 from the NC Department of Commerce for a CDBG Economic Development Grant for the Future Forward Program. A local match was not required. Future Forward Economic Alliance Activities will also provide organizational and administrative function on a regional basis for the purpose of promoting economic development strategies and projects. The Finance and Personnel Subcommittee recommended that the Board of Commissioners contribute \$7,327 in support of the Future Forward and nominate one of its Commissioners as well as a private sector representative to serve as a member of the Future Forward Economic Alliance Board.

Budget Transfer

|                           |         |
|---------------------------|---------|
| From                      |         |
| 110-190100-994000         | \$7,327 |
| Contingency               |         |
| To                        |         |
| 110-420050-857900         | \$7,327 |
| Other Contracted Services |         |

(See Item 7, Appointments: Commissioners Lail was appointed as Commissioner Representative and Larry Bowman was appointed as a Private Sector Representative to serve as members of the Future Forward Economic Alliance Board.)

After a brief discussion, Commissioner Barger made a motion to approve a contribution in the amount of \$7,327 in support of the Future Forward. The motion carried unanimously.

- b. Mr. Lundy announced that the February 2, 2004, regularly scheduled Board meeting would be held at Mt. Pleasant United Methodist Church, Christian Life Center, 4136 Mount Pleasant Road, Sherrills Ford, NC.

12. Other items of business.

- a. Closed Session.

County Manager J. Thomas Lundy requested that the Board hold a Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Mr. Lundy said he did not anticipate action after the closed session.

At 7:30 p.m., Commissioner Barger made a motion to recess into Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The motion carried unanimously.

At 9:10 p.m., Commissioner Hunsucker made a motion to return to Open Session. The motion carried unanimously.

13. Adjournment.

- a. Commissioner Beatty said one of the Carolina Panthers is a Catawba County native, Shane Burton, Number 98, graduated from Bandy's High School.

At 9:12 p.m., there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

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Katherine W. Barnes  
Chair, Board of Commissioners

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Thelda B. Rhoney  
County Clerk